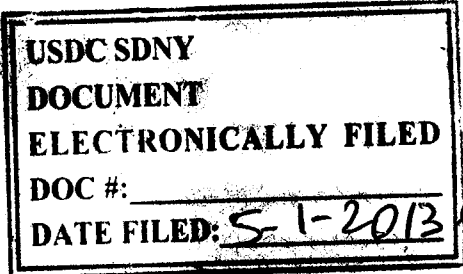


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOSES PERL



(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

7:12 Civ. 04380 (ER) ()

- against -

NOTICE OF MOTION

AMERICAN EXPRESS

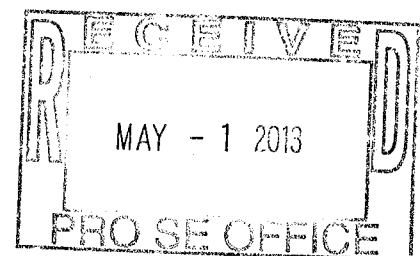
(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

PLEASE TAKE NOTICE that upon the annexed affirmation of Moses Perl,
(name)
affirmed on April 29, 2013, and upon the exhibits attached thereto (delete if no
(date)
exhibits), the accompanying Memorandum of Law in support of this motion (delete if there is no
Memorandum of Law), and the pleadings herein, plaintiff defendant will move this Court, before
(circle one)
Edgardo Ramos, United States District/Magistrate Judge, for an order
(Judge's name) (circle one)
pursuant to Rule 55 of the Federal Rules of Civil Procedure granting (state what you want the
Judge to order): Entry of Default for the Plaintiff, against AMERICAN EXPRESS Defendant,

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Highland Mills, NY
(city) (state)
April 29, 2013
(month) (day) (year)

Signature [Signature]
Address 337 Schunnemunk Road
Highland Mills, NY 10930
Telephone Number 845-662-4520
Fax Number (if you have one) _____



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMOSES PERL

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

7:12 Civ. 04380 (ER) ()

- against -

AFFIRMATION IN
SUPPORT OF MOTIONAMERICAN EXPRESS

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Moses Perl, **affirm under penalty of perjury that:**

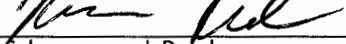
1. I, Moses Perl, am the plaintiff defendant in the above entitled action,
(name) (name) (circle one)
 and respectfully move this Court to issue an order Default for the Plaintiff, against Defendant,
(state what you want the Judge to order)

2. The reason why I am entitled to the relief I seek is the following (state all your reasons using additional paragraphs and sheets of paper as necessary): The 21 days have elapsed since service of the Summons
and Complaint upon Defendant and they failed to plead or otherwise defend to Plaintiff's Complaint.

WHEREFORE, I respectfully request that the Court grant this motion, as well as such other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Highland Mills, NY
(city) (state)
April 29, 2013
(month) (day) (year)

Signature 
 Address 337 Schunnemunk Road
Highland Mills, NY 10930
 Telephone Number 845-662-4520
 Fax Number (if you have one) _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MOSES PERL;

Plaintiff,

Case No. 7:12-cv-04380-ER

-v-

AMERICAN EXPRESS;

Defendant,
-----X

APPLICATION TO CLERK FOR ENTRY OF DEFAULT
AS TO AMERICAN EXPRESS

Plaintiff, pursuant to Rule 55 of the Federal Rules of Civil Procedure, hereby makes application to the Clerk for Entry of Default for the Plaintiff against AMERICAN EXPRESS Defendant, for failure of said Defendant to plead or otherwise defend. Said failure of Defendant to plead or otherwise defend is set forth in the affidavit immediately following this Application.

Dated: April 29, 2013

Respectfully Submitted,

By: 

Moses Perl

337 Schunnemunk Road

Highland Mills, NY 10930

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MOSES PERL;

Plaintiff,

Case No. 7:12-cv-04380-ER

-v-

AMERICAN EXPRESS;

Defendant,
-----X

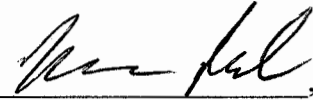
AFFIDAVIT OF FAILURE TO PLEAD OR DEFEND
AS TO AMERICAN EXPRESS

The undersigned, being duly sworn, upon oath deposes and says:

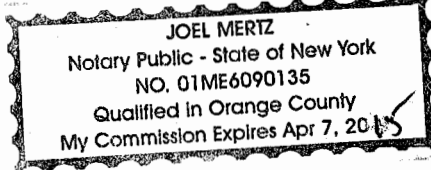
1. That he is Plaintiff and has personal knowledge of the facts set forth in this affidavit;
2. That Plaintiff on July 19, 2012 filed in this action an Amended Complaint against the Defendant, AMERICAN EXPRESS;
3. That the Summons for AMERICAN EXPRESS was issued in this matter on January 4, 2013;
4. That the Summons for AMERICAN EXPRESS issued in this matter was served on Defendant AMERICAN EXPRESS, through The United States Marshals Service, on March 4, 2013;
5. That evidence of service of the Summons on AMERICAN EXPRESS has been filed with the Court and is attached here to this Affidavit;
6. That not less than 21 days have elapsed since service of the Summons and Complaint upon AMERICAN EXPRESS;
7. That examination of the Court files and records in this action shows that AMERICAN

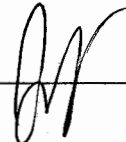
EXPRESS has failed to plead or otherwise defend as to Plaintiff's Complaint;

8. That this Affidavit is executed by the affiant herein for the purpose of enabling Plaintiff to obtain an Entry of Default against AMERICAN EXPRESS for failure to plead or otherwise defend as to Plaintiff's Complaint.


Moses Perl, Affiant

Subscribed and sworn to before me this 29th day of April, 2013.




Notary Public


CERTIFICATION & AFFIRMATION OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed thru the U.S. Certified Mail to the parties listed below.

AMERICAN EXPRESS
General Counsel's Office Litigation
2900 Commerce Parkway
Miramar, FL 33025
Certified Receipt # 7011 0110 0000 9178 5900

Jack Gross, Esq.
The Chartwell Law Office, LLP
One Battery Park Plaza, 35th Floor
New York, New York 10004
Certified Receipt # 7011 0110 0000 9178 5894

Dated: April 29, 2013

By: 
Moses Perl

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MOSES PERL;
Plaintiff,

Case No. 7:12-cv-04380-ER

-v-

DEFAULT JUDGMENT

AMERICAN EXPRESS;
Defendant,
-----X

This action having been commenced on July 19, 2012 by the filing of an Amended Complaint and a Summons was issued to Defendant on January 4, 2013, a copy of the Summons and Amended Complaint has been personally served on the Defendant, AMERICAN EXPRESS on March 4, 2013 by The United States Marshals Service (USMS), personal service on Joann Bain Ward, and a proof of service has been filed on March 14, 2013, the Defendant has not answered the Amended Complaint and the time for answering has been expired, it is;

ORDERED, ADJUDGED AND DECREED: That the Plaintiff have judgment against Defendant in the liquidated amount of \$3,000.00 with interest at 12% from March 25, 2013, plus costs and disbursements of this action.

Dated: _____

Respectfully Submitted,

U.S.D.J.

This document was entered on the docket
on _____.


CERTIFICATION & AFFIRMATION OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed thru the U.S. Certified Mail to the parties listed below.

AMERICAN EXPRESS
General Counsel's Office Litigation
2900 Commerce Parkway
Miramar, FL 33025
Certified Receipt # 7011 0110 0000 9178 5900

Jack Gross, Esq.
The Chartwell Law Office, LLP
One Battery Park Plaza, 35th Floor
New York, New York 10004
Certified Receipt # 7011 0110 0000 9178 5894

Dated: April 29, 2013

By: 
Moses Perl

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF Moses Perl	COURT CASE NUMBER 7:12-cv-04380-ER
DEFENDANT AMERICAN EXPRESS	TYPE OF PROCESS Summons & Complaint

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1801 NW 66 Ave. Suite 103, Plantation, FL 33313
-------------	--

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Moses Perl 337 Schunnemunk Road Highland Mills, NY 10930	Number of process to be served with this Form - 285 1
	Number of parties to be served in this case 1
	Check for service on U.S.A. 13M 14 PM 1:44 OF N.Y.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

Signature of Attorney or other Originator requesting service on behalf of: <i>[Signature]</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 845-500-1773	DATE 12/18/2012
--	---	----------------------------------	--------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process P1	District of Origin No. 54	District to Serve No. 04	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 1/9/13
---	---------------------	------------------------------	-----------------------------	--	----------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) JOANN BAIN WARR, PITNEY BOWES REP.	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 3/4/13
	Time 1115
	Signature of U.S. Marshal or Deputy <i>[Signature]</i> 576065 #392

Service Fee \$100	Total Mileage Charges (including endeavors) 10.20	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
----------------------	--	----------------	---------------	------------------	--------------------------------	------------------

REMARKS: 1/9/13 sent out for U.S. 2/15/13 no response set up for p/s.
on 3/4/13, civil summons pers. served on Joann Bain Warr.
Pitney Bowes Rep. At above listed address.PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/00)
(Instructions Rev. 12/08)

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Moses Perl

Plaintiff

Civil Action No.: **12 CIV. 4380 (ER)**

JUDGE RAMOS

v.

American Express

Defendant

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

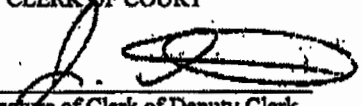
Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff(s) attorney, whose name and address are:

**PRO SE: MOSES PERL
337 SCHUNNEMUNK ROAD
HIGHLAND MILLS, NEW YORK 10930**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**RUBY KRAJICK
CLERK OF COURT**

Date: **JAN 04 2013**


Signature of Clerk of Deputy Clerk

INSTRUCTIONS FOR COMPLETING USM-285, PROCESS RECEIPT AND RETURN

- The Form USM-285 is a five-copy form set designed as a control document for process served by a U.S. Marshal or designee. Process may include, but is not limited to, a summons and complaint, subpoena, writ, or court order. The United States Marshals Service (USMS) is authorized by law (28 U.S.C. § 1921) to charge fees for the service of process. The amount of fees charged is established by regulation (28 C.F.R. § 0.114). Except in cases where the litigant has been granted permission by the court for waiver of prepayment of fees and costs, the USMS must request advance payment of the estimated fees and expenses for service of process.
- Please type or print legibly. Submit one copy of the Form USM-285 and one copy of each process for each individual, company, corporation, government agency, etc., to be served or property to be seized.
- In cases where the court has directed the USMS to effect service of a summons and complaint upon an officer or agent of the United States Government, submit a copy of the summons and complaint and Form USM-285 for each officer or agent upon whom service is desired. Submit two (2) additional copies of the summons and complaint for service upon the Government of the United States. The U.S. Marshal or designee will serve one copy upon the U.S. Attorney and will forward the other copy to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or designee certifies service on the U.S. Attorney and the U.S. Attorney General, regardless of whether other defendants on the summons were served). Failure to provide sufficient copies will delay service of the summons.
- Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the USMS in expediting service. You are responsible for providing accurate and sufficient information that will identify the individual or entity to be served or the property to be seized.
- If more than one item of process and Form USM-285 is submitted on a single case, the U.S. Marshal or designee will receipt for all of them on the first Form USM-285. You will receive for your records the "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the process is served, you will receive the "Notice of Service" copy. This copy will be identical to the return to the Clerk of the U.S. District Court.
- Upon completion of all services, you will receive a "Billing Statement" copy of Form USM-285. You should return this "Billing Statement" copy to the USMS, together with your payment, in the form of a certified or bank check payable to the U.S. Marshal, for any amounts still owed. Alternatively, the USMS will accept cash. The USMS will not accept personal checks.
- Additional USM-285 forms may be obtained, without cost, from the Clerk of the U.S. District Court, U.S. Marshal, or printed from http://www.usmarshals.gov/process/usm_285.pdf.

Case 7:12-cv-04380-ER Document 3 Filed 06/12/12 Page 1 of 1

CERTIFIED L.F.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Moses Perl,

Plaintiff/Petitioner(s),

-against-

American Express,

Defendant/Respondent(s).

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: June 12, 2012

ORDER GRANTING IFP APPLICATION

12 Civ. 4380 (UA)

LORETTA A. PRESKA, Chief United States District Judge:

Leave to proceed in this Court without payment of fees is authorized. 28 U.S.C. § 1915.

SO ORDERED:

Loretta A. Preska

LORETTA A. PRESKA
Chief United States District Judge

Dated: June 12, 2012
New York, New York

A TRUE COPY
RUBY J. KRAJICK, CLERK
BY *[Signature]*
Deputy Clerk

Moses Perl
337 Schunnemunk Rd.
Highland Mills, NY 10930



1000

10007

RECEIVED
U.S. DISTRICT COURT
2013 MAY -1 P 3:01

UNITED STATES COURTHOUSE
PRO SE OFFICE - S.D.N.Y.
500 PEARL STREET, Room 200
NEW YORK, NY 10007-1316

U.S.
ST